
SENATE CONCURRENT RESOLUTION

REQUESTING THE REAL ESTATE COMMISSION TO CONDUCT A STUDY ON THE
IMPLEMENTATION OF RECOMMENDATIONS FOUND IN THE CONDOMINIUM
GOVERNANCE - AN EXAMINATION OF SOME ISSUES 1989 REPORT BY
THE LEGISLATIVE REFERENCE BUREAU.

1 WHEREAS, in 1988, the Legislature adopted Senate Concurrent
2 Resolution No. 100, S.D. 1, H.D. 1, which requested the
3 Legislative Reference Bureau to conduct an interim study of the
4 various problems concerning the governance of condominiums and
5 propose feasible means and effective methods of addressing those
6 problems; and
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8 WHEREAS, in response to the resolution, in 1989 the
9 Legislative Reference Bureau, with the assistance of the
10 Department of Commerce and Consumer Affairs, conducted a study
11 titled *Condominium Governance - An Examination of Some Issues*,
12 Report No. 4, 1989, which provided findings and recommendations
13 concerning condominium governance in the State; and
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15 WHEREAS, thirty years have elapsed since the publication of
16 the report and the population of Hawaii has drastically
17 increased, along with the amount of registered condominium
18 associations; now, therefore,
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20 BE IT RESOLVED by the Senate of the Thirtieth Legislature
21 of the State of Hawaii, Regular Session of 2019, the House of
22 Representatives concurring, that the Real Estate Commission is
23 requested to conduct a study on whether, and to what degree, the
24 findings and recommendations found in the *Condominium Governance*
25 - *An Examination of Some Issues*, Report No. 4, 1989, have been
26 implemented; and
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28 BE IT FURTHER RESOLVED that the study is also requested to
29 address any further action that may be needed to fulfill



1 unresolved findings and recommendations and any other comments
2 and concerns that interested parties may provide; and
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4 BE IT FURTHER RESOLVED that the study is also requested to
5 include assessments on the following:
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- 7 (1) Whether the developer's public report required under
8 existing law provides adequate and understandable
9 disclosures to prospective purchasers of new and
10 converted condominium projects, and if not, any
11 potential methods that could be used to further
12 educate prospective purchasers;
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- 14 (2) Whether the current financial reserves study and
15 funding requirements completed by registered
16 associations of apartment owners are sufficient; and
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- 18 (3) Whether the use of the current voting process is
19 appropriate, whether the proxy voting process provides
20 an advantage or disadvantage in the governing process,
21 and whether there are inherent conflicts between
22 owner-occupants, investor owners, and commercial
23 owners; and
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25 BE IT FURTHER RESOLVED that the Legislative Reference
26 Bureau is requested to provide technical assistance to the Real
27 Estate Commission while the Commission completes its study; and
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29 BE IT FURTHER RESOLVED that the Real Estate Commission is
30 requested to submit a report of its findings and
31 recommendations, including any proposed legislation, to the
32 Legislature no later than twenty days prior to the convening of
33 the Regular Session of 2020; and
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35 BE IT FURTHER RESOLVED that certified copies of this
36 Concurrent Resolution be transmitted to the Director of Commerce
37 and Consumer Affairs, Chairperson of the Real Estate Commission,
38 and Director of the Legislative Reference Bureau.

